

EXHIBIT 40

1 Teresa Li (Bar No. 278779)
2 teresa@lawofficesofteresali.com
3 LAW OFFICES OF TERESA LI P.C.
4 315 Montgomery Street, 9th Floor
5 San Francisco, California 94104
6 Telephone: 415.423.3377
7 Facsimile: 888.646.5493

8 Attorneys for Plaintiffs
9 RUBEN JUAREZ AND ISELA
10 HERNANDEZ

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 RUBEN JUAREZ, an individual and
14 ISELA HERNANDEZ, an individual,

15 Plaintiff,

16 v.

17 PRECISION VALVE & AUTOMATION,
18 Inc., a corporation and DOES 1-20,

19 Defendants.

Case No. CV-03342-ODW(GJSX)

**PLAINTIFF RUBEN JUAREZ'S RESPONSE
TO DEFENDANT'S REQUEST FOR
INTERROGATORIES, SET ONE (1)**

PROPOUNDING PARTY: DEFENDANT, PRECISION VALVE & AUTOMATION

RESPONDING PARTY: PLAINTIFF, RUBEN JUAREZ

SET NUMBER: ONE

Pursuant to Federal Rules of Civil Procedure Rule 33, Plaintiff RUBEN JUAREZ hereby
responds to Defendant PRECISION VALVE & AUTOMATION, INC.'s request for
interrogatories, set one (1).

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1

Identify in detail all EVIDENCE which supports or in any way relates to YOUR
allegations against DEFENDANT in this case.

1 **RESPONSE TO INTERROGATORY NO. 1:**

2 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
3 information that is protected by the attorney client privilege and the work product doctrine.
4 Without waiving the objections and subject thereto, Plaintiff responds: Plaintiff elects to produce
5 all non-privileged documents in support of the response: (1) Defendant PVA's product
6 specifications (2) Plaintiff Ruben Juarez's medical and billing records; (3) the Material Safety
7 Data Sheets of various chemicals being sprayed by PVA's benchtop dispensing system.
8 Witnesses: all witnesses disclosed in Plaintiffs' Initial Disclosure. Discovery is ongoing.

9 **INTERROGATORY NO. 2**

10 Identify in detail all EVIDENCE which supports or in any way relates to YOUR first
11 cause of action (Negligence) in YOUR COMPLAINT.

12 **RESPONSE TO INTERROGATORY NO. 2:**

13 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
14 information that is protected by the attorney client privilege and the work product doctrine.
15 Without waiving the objections and subject thereto, Plaintiff responds: Plaintiff elects to produce
16 all non-privileged documents in support of the response: (1) Defendant PVA's product
17 specifications (2) Plaintiff Ruben Juarez's medical and billing records; (3) the Material Safety
18 Data Sheets of various chemicals being sprayed by PVA's benchtop dispensing system.
19 Witnesses: all witnesses disclosed in Plaintiffs' Initial Disclosure. Discovery is ongoing.

20 **INTERROGATORY NO. 3**

21 Identify in detail all EVIDENCE which supports or in any way relates to YOUR claim
22 that YOU were subjected to a "foreseeable risk of harm."

23 **RESPONSE TO INTERROGATORY NO. 3:**

24 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
25 information that is protected by the attorney client privilege and the work product doctrine.
26 Without waiving the objections and subject thereto, Plaintiff responds: Plaintiff elects to produce
27 all non-privileged documents in support of the response: (1) Defendant PVA's product
28 specifications (2) Plaintiff Ruben Juarez's medical and billing records; (3) the Material Safety

1 Data Sheets of various chemicals being sprayed by PVA's benchtop dispensing system.

2 Witnesses: all witnesses disclosed in Plaintiffs' Initial Disclosure. Discovery is ongoing.

3 **INTERROGATORY NO. 4**

4 Identify in detail all EVIDENCE which supports or in any way relates to YOUR second
5 cause of action (Strict Product Liability) in YOUR COMPLAINT.

6 **RESPONSE TO INTERROGATORY NO. 4:**

7 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
8 information that is protected by the attorney client privilege and the work product doctrine.
9 Without waiving the objections and subject thereto, Plaintiff responds: Plaintiff elects to produce
10 all non-privileged documents in support of the response: (1) Defendant PVA's product
11 specifications (2) Plaintiff Ruben Juarez's medical and billing records; (3) the Material Safety
12 Data Sheets of various chemicals being sprayed by PVA's benchtop dispensing system.
13 Witnesses: all witnesses disclosed in Plaintiffs' Initial Disclosure. Discovery is ongoing.

14 **INTERROGATORY NO. 5**

15 List each alleged "design defect" of the PVA 350.

16 **RESPONSE TO INTERROGATORY NO. 5:**

17 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
18 information that is protected by the attorney client privilege and the work product doctrine. It
19 also seeks premature disclosure of expert opinion. Without waiving the objections and subject
20 thereto, Plaintiff responds: PVA 350 lacks fail safe measures in the event that the ventilation
21 system is not in operation: for example, PVA 350 does not have an automatic shutoff function in
22 the event that the ventilation system is not in operation; PVA 350 does not have an alarm that
23 would warn operators or programmers that the ventilation system is not in operation; PVA 350
24 does not have any written warning on the machine itself to warn that it would continue spray
25 toxic chemicals even when the ventilation is not in operation; and there may be other measures
26 that can be utilize to perform the fail safe measures. Discovery is ongoing.

27 ///

28 **INTERROGATORY NO. 6**

1 List each warning which YOU contend should have been provided, but was not provided,
2 for the PVA 350.

3 **RESPONSE TO INTERROGATORY NO. 6:**

4 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
5 information that is protected by the attorney client privilege and the work product doctrine. It
6 also seeks premature disclosure of expert opinion. Without waiving the objections and subject
7 thereto, Plaintiff responds: PVA 350 lacks fail safe measures in the event that the ventilation
8 system is not in operation: for example, PVA 350 does not have an automatic shutoff function in
9 the event that the ventilation system is not in operation; PVA 350 does not have an alarm that
10 would warn operators or programmers that the ventilation system is not in operation; PVA 350
11 does not have any written warning on the machine itself to warn that it would continue spray
12 toxic chemicals even when the ventilation is not in operation; and there may be other measures
13 that can be utilize to perform the fail safe measures. Discovery is ongoing.

14 **INTERROGATORY NO. 7**

15 Explain in detail how the PVA 350 should have been designed in order to prevent YOUR
16 injuries as alleged in YOUR COMPLAINT.

17 **RESPONSE TO INTERROGATORY NO. 7:**

18 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
19 information that is protected by the attorney client privilege and the work product doctrine. It
20 also seeks premature disclosure of expert opinion. Without waiving the objections and subject
21 thereto, Plaintiff responds: PVA 350 lacks fail safe measures in the event that the ventilation
22 system is not in operation: for example, PVA 350 does not have an automatic shutoff function in
23 the event that the ventilation system is not in operation; PVA 350 does not have an alarm that
24 would warn operators or programmers that the ventilation system is not in operation; PVA 350
25 does not have any written warning on the machine itself to warn that it would continue spray
26 toxic chemicals even when the ventilation is not in operation; and there may be other measures
27 that can be utilize to perform the fail safe measures. Plaintiff is not an expert in the area and
28 discovery is ongoing.

1 **INTERROGATORY NO. 8**

2 Identify in detail all EVIDENCE which supports or in any way relates to YOUR claim
3 that Defendant's negligence "was a substantial factor in causing Plaintiffs' harm."

4 **RESPONSE TO INTERROGATORY NO. 8:**

5 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
6 information that is protected by the attorney client privilege and the work product doctrine.
7 Without waiving the objections and subject thereto, Plaintiff responds: Plaintiff elects to produce
8 all non-privileged documents in support of the response: (1) Defendant PVA's product
9 specifications (2) Plaintiff Ruben Juarez's medical and billing records; (3) the Material Safety
10 Data Sheets of various chemicals being sprayed by PVA's benchtop dispensing system.
11 Witnesses: all witnesses disclosed in Plaintiffs' Initial Disclosure. Discovery is ongoing.

12 **INTERROGATORY NO. 9**

13 Identify in detail all EVIDENCE which supports or in any way relates to YOUR claim
14 that the PVA 350's failure to perform safely "was a substantial factor in causing Plaintiffs' harm."

15 **RESPONSE TO INTERROGATORY NO. 9:**

16 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
17 information that is protected by the attorney client privilege and the work product doctrine.
18 Without waiving the objections and subject thereto, Plaintiff responds: Plaintiff elects to produce
19 all non-privileged documents in support of the response: (1) Defendant PVA's product
20 specifications (2) Plaintiff Ruben Juarez's medical and billing records; (3) the Material Safety
21 Data Sheets of various chemicals being sprayed by PVA's benchtop dispensing system.
22 Witnesses: all witnesses disclosed in Plaintiffs' Initial Disclosure. Discovery is ongoing.

23 **INTERROGATORY NO. 10**

24 DESCRIBE in detail all INJURIES which YOU allege were caused, or were in any way
25 contributed to, by the PVA 350, as alleged in YOUR COMPLAINT.

26 **RESPONSE TO INTERROGATORY NO. 10:**

27 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
28 information that is protected by the attorney client privilege and the work product doctrine.

1 Without waiving the objections and subject thereto, Plaintiff responds: Plaintiff's neurological
2 defects and psychological issues that Plaintiff did not have before Plaintiff used PVA's benchtop
3 dispensing system. This includes but not limited to severe migraine, headache, nausea, dizziness,
4 lightheadedness, slushiness in the brain, out of body experience, day dreaming, muscular
5 weakness, blurred vision, feeling faint, respiratory issues, presyncope, depression, anxiety,
6 respiratory issues, memory loss, out of balance and other symptoms. Plaintiff elects to produce
7 the medical records for details. Witnesses: all witnesses disclosed in Plaintiffs' Initial Disclosure.

8 **INTERROGATORY NO. 11**

9 Provide an ITEMIZED LISTING of all MEDICAL EXPENSES which YOU incurred
10 related to any INJURIES which YOU allege in the COMPLAINT.

11 **RESPONSE TO INTERROGATORY NO. 11:**

12 Plaintiff elects to produce the billing records for details that he has in his possession.
13 Discovery is ongoing.

14 **INTERROGATORY NO. 12**

15 Provide an ITEMIZED LISTING of all (past and future) lost income (including but not
16 limited to wage loss) that YOU incurred related to any INJURIES YOU allege in the
17 COMPLAINT.

18 **RESPONSE TO INTERROGATORY NO. 12:**

19 The interrogatory seeks information that is protected by the attorney-client privilege and
20 work product doctrine. It also seeks premature disclosure of expert opinion. Without waiving the
21 objections and subject thereto, Plaintiff responds: Plaintiff is not required to generate a document
22 that is not in existence. However, Plaintiff has produced all documents relating to wage loss.

23 **INTERROGATORY NO. 13**

24 DESCRIBE in detail everything YOU did to determine what caused Ruben Juarez's
25 injuries, which are alleged in the COMPLAINT.

26 **RESPONSE TO INTERROGATORY NO. 13:**

27 The interrogatory seeks information that is protected by the attorney-client privilege and
28 work product doctrine. Without waiving the objections and subject thereto, Plaintiff responds:

1 Plaintiff has been going to see his doctors. But only until Plaintiff received the MSDS sheet of
2 the chemicals did Plaintiff suspect his injuries may have been caused by PVA's
3 design/manufacturing defects.

4 **INTERROGATORY NO. 14**

5 Identify in detail all EVIDENCE which establishes or in any way relates to whether
6 plaintiffs' lawsuit is barred by the two-year statute of limitations found in Code of Civil Procedure
7 section 335.1.

8 **RESPONSE TO INTERROGATORY NO. 14:**

9 The interrogatory is overly broad, unduly burdensome, and oppressive. It also seeks
10 information that is protected by the attorney-client privilege and work product doctrine. Without
11 waiving the objections and subject thereto, Plaintiff responds: Plaintiff's medical records, the
12 MSDS of the pertinent chemicals, and the email from Plaintiff to his HR, asking for a disclosure
13 of the MSDS.

14 **INTERROGATORY NO. 15:**

15 Explain in detail the basis for YOUR workers' compensation claim made for INJURY or
16 INJURIES during YOUR employment with Space Exploration Technologies Corporation, also
17 known as SpaceX.

18 **RESPONSE TO INTERROGATORY NO. 15:**

19 The interrogatory seeks information that is protected by the attorney-client privilege and
20 work product doctrine. It is also not relevant to the litigation. Without waiving the objections
21 and subject thereto, Plaintiff responds: Plaintiff filed a workers' compensation case because
22 Plaintiff was injured while working at SpaceX. Plaintiff did not know what caused his injuries;

23 ///

24 ///

25 ///

26 ///

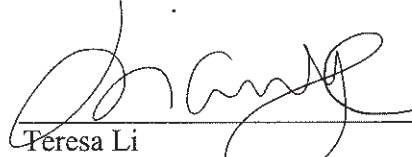
27 ///

28 ///

1 only that Plaintiff was injured on the job.

2 Dated: September 5, 2017

LAW OFFICES OF TERESA LI, P.C.

3
4 

5 Teresa Li
6 Attorney for Plaintiffs
7 RUBEN JUAREZ AND ISELA
8 HERNANDEZ
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, Ruben Juarez declare that:

I am a plaintiff in this action. I have read the foregoing Plaintiff Ruben Juarez's Response to Defendant's Request for Interrogatories, Set One (1) and know the contents thereof.

The information supplied therein is based on my own personal knowledge and/or has been supplied by my attorneys or other agents and is therefore provided as required by law. The information contained in the foregoing document is true, except as to the matters which were provided by my attorneys or other agents and, as to those matters, I am informed and believe that they are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on September 8, 2017 at Granada Hills, California.



RUBEN JUAREZ

PROOF OF SERVICE

State of California, County of San Francisco

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 315 Montgomery Street, 9th Floor, San Francisco, CA 94104.

On the date listed below, I served the following documents: in the manner and/or manners described below to each of the parties herein and addressed as stated below:

- **PLAINTIFF ISELA HERNANDEZ'S RESPONSE TO DEFENDANT'S REQUEST FOR INTERROGATORIES, SET ONE (1)**
- **PLAINTIFF ISELA HERNANDEZ'S RESPONSE TO DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS AND ELECTRONICALLY STORED INFORMATION (ESI), SET ONE (1)**
- **PLAINTIFF RUBEN JUAREZ'S RESPONSE TO DEFENDANT'S REQUEST FOR INTERROGATORIES, SET ONE (1)**
- **PLAINTIFF RUBEN JUAREZ'S RESPONSE TO DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS AND ELECTRONICALLY STORED INFORMATION (ESI), SET ONE (1)**

Shahrad Milanfar
smilanfar@bkscal.com
Alex P. Catalona
acatalona@bkscal.com
BECHERER KANNETT & SCHWEITZER
1255 Powell Street
Emeryville, CA 94608

____ United States Postal Service, U.S. Mail, with First Class postage prepaid and deposited in a sealed envelope at San Francisco, CA. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

____ Facsimile Transmission

____ Hand delivery by Courier: same day delivery

 X Other: E-Mail, pdf attachment

1 I certify and declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct.

3 Executed on September 8, 2017, at San Francisco, California. .

4
5 Teresa Li
6 Type or Print Name

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Signature